

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|-----------------------|---|---------------|
| WILLIE JOHNSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 07 C 6862 |
| |) | |
| ROBERT GARZA, et al., |) | |
| |) | |
| Defendants. |) | |

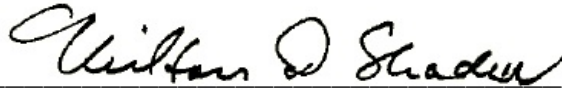
MEMORANDUM ORDER

As this Court had directed in its brief August 15 memorandum order ("Order"), counsel for plaintiff Willie Johnson ("Johnson") has filed Plaintiff's Response to Defendants' Heck v. Humphrey Defense. Over and above the puzzling aspect of the current assertion by defendant of a Fed. R. Civ. P. ("Rule") 12(b)(6) defense on that score, as identified in the Order, Johnson's current Response demonstrates that any such attempted invocation of Heck v. Humphrey is totally without merit.

Nothing in Johnson's acknowledgment of his violation of a condition of supervised release, as the result of which no sanction was imposed by this Court's colleague Honorable James Holderman, even arguably equates to a "conviction" or "sentence" that must be reversed or otherwise stricken before a 42 U.S.C. §1983 action can be filed, as Heck teaches. Nor is Johnson's situation in that respect even arguably comparable to the loss of good time credits flowing from prison disciplinary proceedings, a situation to which Edward v. Balisok, 520 U.S. 641 (1997)

extended the Heck principle.

Accordingly that portion of the responsive pleading (Rule 12(b)(6) defense No. 3), treated as a motion to dismiss, is denied. That portion of defendants' responsive pleading is stricken.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Milton I. Shadur
Senior United States District Judge

Date: September 8, 2008